

**TWENTY-FIRST DAY**

(Thursday, February 17, 1949)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Moore
Carney	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

McDonald

Absent—Excused

Bullock	Hazlewood
Colson	Hudson

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Kelly of Tarrant, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

**Leaves of Absence Granted**

Senator Colson was granted leave of absence for today on account of illness on motion of Senator Carney.

Senator Bullock was granted leave of absence for today on account of important business on motion of Senator Tynan.

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Lane.

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Jones.

**Reports of Standing Committees**

Senator Taylor submitted the following reports:

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 235, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

TAYLOR, Chairman

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 241, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

TAYLOR, Chairman

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 135, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do not pass but that the Committee Substitute do pass in lieu thereof.

TAYLOR, Chairman

C. S. S. B. No. 135 was read first time.

Senator Bell submitted the following report:

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred Senate Bill No. 63, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed as amended.

BELL, Chairman

**Senate Bills on First Reading**

The following bills were introduced, read severally first time and referred to the committees indicated:

By Senator Proffer:

S. B. No. 243, A bill to be entitled "An Act amending Article 2700, Revised Civil Statutes, 1925, as amended by House Bill No. 328, Act of the Forty-eighth Legislature, Regular Session, 1943, as further amended by House Bill No. 292, Acts of the Forty-ninth Legislature, Regular Session; and as further amended by Senate Bill 151, Fiftieth Legislature, Regular Session, 1947; pertaining to the salaries of elective County Superintendents and to office and traveling expenses; providing for assistants to the County Superintendent; providing for the employment of assistants to the County Superintendents in counties having a population of more than one hundred thousand (100,000) according to the last Federal census; providing for supervisors and their compensation and actual traveling expenses; providing for the manner of payment of county administration expense; providing for budgets for the purpose; prescribing the duties of the State Chief Executive or Administrative School Official in connection herewith; providing for administration of this Act; providing a savings clause; repealing all General Laws as provide for a part of the office expense to be paid out of the general revenue of the county; and declaring an emergency."

To Committee on Education.

By Senator Proffer:

S. B. No. 244, A bill to be entitled "An Act creating a State Youth Development Council for the protection, care, and training of children and youth of the State and, among other things, defining its powers, duties, functions and relations with other agencies, officers, and courts, and their corresponding duties and powers; providing for certain criminal offenses related to the act; containing a severability provision as to validity; repealing certain Statutes; fixing its effective date; and declaring an emergency."

To Committee on State Affairs.

By Senator Bell:

S. B. No. 245, A bill to be entitled "An Act to amend Section 3, Acts 1929, Forty-first Legislature, Second Called Session, page 71, Chapter 41 (V. C. S. Article 6701a); to amend Section 8b, Acts 1929, Forty-first Legislature, Second Called Session, page 172, Chapter 88 (V. C. S. Article

6675a 8b), as amended; to amend Section 2, Acts 1929, Forty-first Legislature, Second Called Session, Chapter 42, as amended (Section 2, Article 827a, V. P. C.); repealing all laws or parts of laws in conflict herewith to the extent of such conflict; and declaring an emergency.

To Committee on Highways and Motor Traffic.

#### Senate Bill 75 on Passage to Engrossment

The President laid before the Senate as unfinished business, on its passage to engrossment:

S. B. No. 75, A bill to be entitled "An Act to amend Acts 1930, Forty-first Legislature, Fifth Called Session, Chapter 18; as amended by Acts 1931, Forty-second Legislature, Regular Session, Chapter 27; as amended by Acts 1933, Forty-third Legislature, First Called Session, Chapter 56; as amended by Acts 1935, Forty-fourth Legislature, Regular Session, Chapter 342; as amended by Acts 1947, Fiftieth Legislature, Regular Session, Chapter 370, to provide for the issuance of a 90-day temporary registration permit for any truck, truck-tractor, trailer or semi-trailer which is being temporarily operated by non-resident owner in Texas for the purpose of harvesting and/or transporting farm products to market, providing the fee therefor; providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency."

The bill having been read second time on Monday, January 14, 1949.

Question—shall the bill be passed to engrossment?

Senator Moffett offered the following committee amendment to the bill:

Amend Senate Bill No. 75 by striking out all of Section 2A of Section 1 and substituting in lieu thereof the following:

"Section 2A. It is further provided that the Department issue a ninety (90) day temporary registration permit for any truck, truck-tractor, trailer or semi-trailer, which is being temporarily operated by such non-resident owner in the State of Texas for the purpose of harvesting and/or transporting farm products to market; provided however that if the transportation of the farm products is to be performed between incorpo-

rated cities, towns or villages, then the non-resident owner shall secure from the Railroad Commission a certificate of public convenience and necessity or a contract carrier permit under the provisions of Article 911b. The non-resident owner of a vehicle so engaged shall apply to the Department for issuance of such temporary registration permit, and the application must be accompanied by satisfactory evidence of ownership of the vehicle by the non-resident owner and shall present evidence that he has secured authority from the Railroad Commission for such transportation, or shall make affidavit that such transportation is not subject to regulation by the Railroad Commission. The temporary registration permit fee shall be 3/12 of the annual Texas registration fee for the vehicle for which the permit is secured. A temporary registration permit receipt, and distinguishing insignia, shall be issued by the Department upon acceptance of the application, and payment of the proper fee; provided, however, that no such vehicle may be registered with a Farm Truck License. The temporary permit herein authorized shall be issued only when the vehicle for which said permit is issued, is legally registered in the non-resident owner's home state, for the current registration year, and said permit will remain valid only as long as the home state registration is valid, but in any event the Texas temporary registration permit will expire ninety (90) days from the date of issuance. A vehicle registered under the terms of this act may not be operated in Texas after the expiration of the temporary registration permit, and only one temporary registration permit shall be issued for each separate vehicle, in the period covered by a full registration year."

Senator Moffett offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 to S. B. No. 75, p. 2, line 30, by inserting between the words "affidavit" and "that" on such line 30 the following words: "to facts showing".

The amendment to the Committee Amendment was adopted.

The Committee Amendment as amended was then adopted.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 75 by adding after the word "year" in line 53 the following sentence:

"Nothing herein shall be construed to in any manner affect reciprocal agreements now in effect between the State of Texas and any other State."

The amendment was adopted.

On motion of Senator Moffett and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

S. B. No. 75 was passed to engrossment.

#### Senate Bill 75 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 75 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Moore
Carney	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

McDonald

Absent—Excused

Bullock	Hazlewood
Colson	Hudson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Bell
Ashley	Bracewell

Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Jones	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Taylor
Lane	Tynan
Lock	Vick
Martin	Weinert

**Absent**

McDonald

**Absent—Excused**

Bullock	<b>Hazlewood</b>
Colson	Hudson

**Committee Substitute  
Senate Bill 115 on Third Reading**

The President laid before the Senate for consideration at this time, on its third reading and final passage:

S. B. No. 115, A bill to be entitled "An Act providing a more efficient method of State administration of the public free schools; creating a Central Education Agency, defining the powers and duties thereof; establishing the component parts thereof, including a State Board of Education, a State Board for Vocational Education, a State Commissioner of Education, and a State Department of Education; providing for the appointment of a Textbook Committee and a State School Investment Commission, with powers and duties of each defined; amending Article 2669, R. C. S., as amended; providing certain general provisions; terminating and abolishing the present State Board of Education and State Superintendent of Public Instruction; repealing conflicting laws or parts of laws; containing a savings clause, and declaring an emergency."

The bill was read third time.

Senator Bracewell offered the following amendment to the bill:

Amend Committee Substitute for S. B. No. 115 as printed by changing the period at the end of Section 7, Article II (page 4 of the printed committee substitute) to a semicolon and adding the following:

"provided however that should it be necessary for the Secretary of State to call a special election as provided in Section 2, any person desiring to be a candidate shall file

his sworn application therefore with the Secretary of State not later than twenty-one (21) days before election."

The amendment was adopted by the following vote:

**Yeas—26**

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Moore
Carney	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

**Absent**

McDonald

**Absent—Excused**

Bullock	<b>Hazlewood</b>
Colson	Hudson

S. B. No. 115 was passed by the following vote:

**Yeas—16**

Aikin	Lock
Bell	Martin
Bracewell	Morris
Carney	Proffer
Cousins	Shofner
Harris	Taylor
Kelly of Tarrant	Tynan
Lane	Weinert

**Nays—8**

Corbin	Moore
Jones	Phillips
Kelley of Hidalgo	Strauss
Moffett	Vick

**Absent**

McDonald

**Absent—Excused**

Bullock	Colson
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**Paired**

Senator Hardeman (present), who would vote no with Senator Hazlewood (absent), who would vote aye.

Senator Ashley (present), who would vote no with Senator Hudson (absent), who would vote aye.

**Senate Bill 116 Set as Special Order**

Senator Lock moved that Senate Bill No. 116 be set as a special order for Tuesday, February 22, 1949, immediately following the morning call.

The motion prevailed by the following vote:

**Yeas—21**

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Carney	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Jones	Taylor
Kelly of Tarrant	Tynan
Lane	

**Nays—5**

Bell	Vick
Kelley of Hidalgo	Weinert
Strauss	

**Absent**

McDonald

**Absent—Excused**

Bullock	Hazlewood
Colson	Hudson

**Message From The House**

Hall of the House of Representatives,  
Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolutions:

H. B. No. 231, A bill to be entitled "An Act providing that wild fox may be taken or killed at any time in Robertson County and providing that the hides and pelts hereof may be sold, repealing all laws or parts of laws in conflict herewith and declaring an emergency."

H. B. No. 277, A bill to be entitled "An Act governing the taking of fish and minnows from the public fresh waters of Wise County; providing means and methods by which fish may be taken from said waters with certain exceptions; providing a penalty for the violation of this Act; repealing

conflicting laws; and declaring an emergency."

H. B. No. 278, A bill to be entitled "An Act creating a conservation district in Wise County for the preservation of minnows; making it unlawful for any person to take minnows from the public waters of said district or transporting same outside of said district for the purpose of sale; providing a penalty for violation thereof; containing a saving clause; and declaring an emergency."

H. B. No. 282, A bill to be entitled "An Act to validate the establishment, organization, and/or creation of all school districts, validating the acts of county boards of school trustees, county judges, commissioners' courts, boards of trustees of such school districts, and municipal governing bodies; validating tax elections, bond elections, bond assumption elections, and all bonds voted, authorized, and/or now outstanding of said districts; authorizing the levy, assessment, and collection of taxes; providing that this Act shall not apply to certain districts involved now or previously involved in litigation, or to districts which may have been established and which later returned to original status; providing a savings clause, and declaring an emergency."

H. B. No. 302, A bill to be entitled "An Act making it unlawful for any person to hunt, snare, kill, or attempt to kill by any means whatsoever any wild deer, buck, doe or fawn in the Counties of Newton, Jasper, San Augustine, Sabine, Panola, and Shelby in the State of Texas, for a period of five (5) years from and after the passage of this Act; providing a penalty therefor; and declaring an emergency."

H. B. No. 314, A bill to be entitled "An Act fixing an open season on buck deer, wild turkey and quail in McMullen County; repealing all laws in conflict therewith; fixing a penalty; and declaring an emergency."

H. B. No. 325, A bill to be entitled "An Act amending Article 880 of the Penal Code of the State of Texas, as amended by the Acts of the 45th Legislature, 1937, 2nd Called Session, Chapter 49, and as amended by the Acts of the 47th Legislature, 1941, Regular Session, Chapter 593, by adding thereto the Counties of Starr, Webb, and Zapata, and changing the

provisions of the Act so as to permit trailing wounded deer with dogs; and declaring an emergency."

H. B. No. 326, A bill to be entitled "An Act to provide a closed season on wild deer and wild turkey in Nolan County for a period of two years; prescribing a penalty; repealing all laws in conflict herewith and declaring an emergency."

H. B. No. 332, A bill to be entitled "An Act amending Ch. 45, Acts of the R. S. of the 44th Legislature, 1935, as amended by Ch. 207, Acts of the R. S. of the 48th Legislature, 1943, and as amended by Ch. 227, Acts of the R. S. of the 50th Legislature, 1947, page 400, by adding thereto Washington County and continuing all other counties subject to same; providing a penalty; and declaring an emergency."

S. C. R. No. 15, Resolved, By the Senate of Texas, the House of Representatives concurring, that the Legislature of Texas express its high admiration and sincere appreciation to the Republic of Mexico; etc. With Amendment.

S. C. R. No. 17, Expressing appreciation for the honors conferred upon Dean E. J. Kyle.

H. C. R. No. 12, Granting permission to D. E. Skinner to bring suit against the State of Texas and the State Highway Department of the State of Texas.

H. C. R. No. 14, Granting Lillie Graham permission to sue the State of Texas.

H. C. R. No. 19, Granting permission to E. D. Bitting to sue the State of Texas and the State Highway Department.

H. C. R. No. 20, Granting R. L. Johnston permission to bring suit against the State of Texas and the State Highway Department of the State.

H. C. R. No. 27, Extending an invitation to Honorable Luther Harris Evans to address a Joint Session of the Legislature.

H. C. R. No. 29, Granting each House permission to adjourn from

Thursday, February 17, 1949, until Monday, February 21, 1949.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

### Senate Bill 235 on Second Reading

On motion of Senator Kelley of Hidalgo, it was ordered that S. B. No. 235 be not printed.

Senator Kelley of Hidalgo then moved to suspend the regular order of business to take up S. B. No. 235 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Moore
Carney	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

#### Absent

McDonald	Strauss
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#### Absent—Excused

Bullock	Hazlewood
Colson	Hudson

The President then laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 235, A bill to be entitled "An Act making an emergency appropriation to the State Department of Agriculture, Division of Horticulture and Plant Quarantines, for the purpose of employing personnel and paying their expenses to search for and inspect host plants of dangerous citrus insect, pest or plant diseases, especially for Citrus Black Fly, on road stations leading into the Citrus Belt of Texas and on international bridges between the United States and the Republic of Mexico, and declaring an emergency"

The bill was read second time and was passed to engrossment.

**Senate Bill 235 on Third Reading**

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 235 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Moore
Carney	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	

**Absent**

McDonald	Weinert
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**Absent—Excused**

Bullock	Hazlewood
Colson	Hudson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—23**

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Moore
Carney	Phillips
Cousins	Proffer
Corbin	Shofner
Hardeman	Strauss
Harris	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

**Nays—2**

Lane	Morris
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**Absent**

McDonald	Weinert
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**Absent—Excused**

Bullock	Hazlewood
Colson	Hudson

**Message From the Governor**

The following message, received from the Governor today, was laid before the Senate, read, and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
February 17, 1949.

To the Senate of the 51st Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a member of the State Highway Commission for a six year term to expire February 15, 1955, R. J. Potts of Harlingen, Cameron County;

To be Fire Insurance Commissioner for a six year term to expire February 10, 1955, Paul H. Brown of Harlingen, Cameron County;

To be Commissioner of Labor Statistics for a two year term to expire January 31, 1951, M. B. Morgan of Denison, Grayson County.

Respectfully submitted,  
BEAUFORD H. JESTER,  
Governor of Texas

**Messages from the Governor**

The President laid before the Senate and directed the Secretary to read the following messages from the Governor:

Austin, Texas,  
February 17, 1949.

To the Members of the 51st Legislature:

Strange as it seems, the problems incident to financial prosperity are in some respects as formidable as those of adversity.

In both situations, we are confronted with the necessity of selecting that which must be done first.

When times are hard, it is expected that we get along with the barest necessities, and all of us gird ourselves for the sacrifices and rigors of such existence.

But when our condition improves, we begin to think at once of all the comforts which we have had to forego, of the things we so much need, of the improvements in our living so long postponed, and, almost before we realize what is happening, we find our demands again to be more than our means.

The financial position of our State at this time is a case in point.

Texas is well off financially. It owes no debts. It has no unpaid obligations, except a nominal amount of bonds held by its own agencies.

In January of 1947, we had a surplus of 35 million dollars in the general revenue of the State.

We doubled our support of State services during the past two years, imposed no new taxes, levied no State ad valorem tax for the general revenue in 1948, and came out with a surplus in January, 1949, more than twice the size of that in January, 1947.

By the end of this fiscal year, we shall probably have a surplus of almost 100 million dollars.

Our State Comptroller has advised us that—from present indications—our surplus, as of August 31, 1949, plus anticipated income for the next biennium, will total 318 million dollars, as far as our general revenue is concerned.

This is a very satisfying situation and a most encouraging prospect.

Inevitably, it causes our minds to dwell upon the things which we have wanted so much to do for so long a time to improve the services of our State and advance the well-being of our people—plans which we have had to set aside during the war years and the period of adjustment immediately thereafter.

Faced with the immediate fact of a substantial amount of cash on hand and in prospect, it is quite to be expected and it is essentially human that all agencies of our government, all geographical areas of the State, all organizations and groups and individuals with special interests and concerns—that all of us should begin thinking and dreaming of worthwhile ways in which those funds could and should be spent.

We should not be critical of genuine, legitimate, defensible demands for participation in the expanded budget of our State.

It is inevitable, however, that with all of us contributing ideas for the enlargement and improvement of our public structure, the time will come—as indeed it has now come—when we receive the estimates of the cost and find that that which we want to build will cost more money than we have to spend.

Then we face the tedious and depressing task of selecting what we can have and what, for the time be-

ing, we must forego, or of setting out in quest of new funds.

The necessity of making that choice in Texas is now before us.

It is my constitutional duty to report to you on the financial position of the State.

For the purposes of this message, I shall emphasize the situation as to the general revenue of the State.

Simply stated, our position is essentially this:

If we levy the State ad valorem tax (not levied in 1948) for this year and the two years of the next biennium—(after which, of course, it cannot be levied again for State purposes, under the provisions of the recently-adopted Constitutional amendment)—we shall have available for appropriation by the 51st Legislature from the general revenue the amount of \$318,000,000—unless conditions change for the worse before the Legislature adjourns and the State Comptroller is faced with the necessity of revising his estimate downward, or unless new revenues are found.

The Governor has before him at this writing requests, recommendations, and estimates for expenditures during the next biennium and for the remainder of this fiscal year totaling approximately \$367,000,000—or \$49,000,000 more than the estimated funds available.

There are doubtless other suggestions for expenditures just as worthy of consideration as those on the list which the Governor has compiled, and their omission from the Governor's list is not to be taken as failure on his part to recognize their merits and the genuineness of the motives and the motives and views of their sponsors.

In the discussion of this situation, I desire to be absolutely forthright and frank. The spirit of this message is to counsel with you and the people of Texas, rather than to make arbitrary recommendations as to the items in our budget.

It would take the skill of a financial wizard, the sagacity and ingenuity of a Solomon to adjust these estimates and suggestions to the resources available and satisfy us all.

Indeed, while we speak of Texas as a place of "magic and miracles," I do not believe that even in Texas can you stretch 318 million dollars

to buy goods and services priced at 367 million.

When you do not have enough money for your needs, there are always two things to do—reduce your needs or secure more funds.

Applying this to the State, we must of course trim our expenditures to the size of presently available money or get some more money. It is that simple.

I do not think I need remind you that I am a "no-new-tax" man. I advocated no new taxes in 1946. I defended that position before the 50th Legislature and that body agreed with those views.

I still feel it was the wise course, as evidenced by the fact that Texas greatly expanded its services during the present biennium and yet accumulated a surplus of around 100 million dollars.

Essentially, I am still a "no-new-tax" man. I feel that the heavy drain of Federal taxes plus the ever-increasing requirements of local government for more tax resources, means that the State should make a legitimate and earnest attempt to live within its means. In my opening message to the Legislature, I expressed this thought in these words:

"We must realize that Texas is growing and gaining in population, wealth, and national stature, and provide state services worthy of our State. The 1930 concept will not fit the 1950 picture.

"At the same time, we face the deadly serious necessity of planning wisely and within our means, to the end that an unpredictable business recession will not leave the State of Texas in a perilous financial condition.

"In other words—we must reach out as far as we can into new and expanded areas of public service—but we must not over-reach ourselves."

While making this very urgent plea for the maintenance of the financial solvency of this State, I would not be living up to the obligations imposed on me by the Constitution if I failed to emphasize at the same time the very pressing needs for the expansion of our State services in many directions.

Repeatedly have I expressed the opinion that we will defend successfully the rights of the States only in so far as we carry out, adequately and efficiently, the duties and responsibilities of the State.

There is no one among us—be he the greatest taxpayer of us all or the humble citizen contributing his mite—but who shudders to think of the conditions under which we care for the afflicted and the handicapped of our people. None, I am quite sure, can walk with me through some of the crumbling institutions of our State, can sit and read with me report after report of totally incapacitated people, without possible resource, who are in great distress of body and mind; can stand with me and look upon a dilapidated disgrace to Texas which we call our prison system; can consider the tragically inadequate effort we are making to develop our youth; can listen to the story of people in our rural areas who cannot send their children to school, take their produce to market, receive their mail or go to the family cemetery to bury their dead—all because of the conditions of their roads;—no man or woman—in Texas—regardless of conservatism and caution and care in the expenditure of personal or public funds—no one among us could have these experiences and not know deep in his heart that these things are unworthy of Texas.

There are schools to be built, there are vital resources to be conserved, there are fundamental and basic functions of State to be performed.

I underscore these facts just as firmly as I plead for financial care and caution. And in so doing, I know full well that I speak the sentiments in the hearts of our people.

How then shall we proceed? It would be the height of arbitrary action for me to take the 367 million dollars worth of needed services already brought to my attention and pare them to 318 million dollars and urge your endorsement of my decisions.

I am attaching to this statement a list of the projects and the appropriations making up the 367 million dollar total mentioned in this report.

Some of these things are of course "must" items and from time to time I shall call them to your particular attention in special messages.

Others are estimates which have been given me by those in position to know what they should be.

In submitting items totaling 367 million dollars which have been commended to him as especially worthy of Legislative consideration and in

reporting that, as of now, there is an estimated total of 318 million dollars available for appropriation, what is the Governor's advice to the Legislature?

It is to screen with the utmost care every individual item and request; to assure itself that these requested expenditures are not only wise and desirable and absolutely needed, but that they are more important, in the general plan of things, than other appropriations might be farther down the line; that every request be considered in light of what the State can afford and what the people most earnestly want done.

In the meantime, it has been reported to me that in our existing tax structure—with levies already made by the Legislature—there are certain loopholes and inconsistencies which are costing the State millions of dollars a year. As you consider the entire fiscal position of the State, you will doubtless want information in this regard.

Therefore, I have created a special fact-finding commission of State officials and staff members, expert in the fields of taxation and public finance, and have asked this Commission to go to work immediately to determine what can be done to strengthen and repair our existing tax structure. I expect a series of reports from this Commission in the not too distant future, and I shall transmit these to you as soon as I receive them.

It is just possible that, with this study and the remedial legislation which you may wish to pass as a result thereof, we may be able to bring in new revenue which the State Comptroller will be in position to contemplate in making such revisions in his estimate as future developments may indicate.

It has long been my belief and contention that our existing tax structure needs thorough study by an agency of the Legislature. I recommended such a study two years ago; I recommended it again in my first message to the 51st Legislature.

I say now that such a study is not only desirable and advisable, but imperative.

There is nothing sacred or necessarily permanent about our present

tax structure; yet I contend that it should not be changed haphazardly and with an eye only to the expedencies of the moment.

Hasty action conceivably might do violence to some phases or elements of our business or industrial picture, resulting in hardship or in virtual confiscation of property.

In an era of inflation, with federal taxes high and going higher; with counties, municipalities and school districts urging their need for more money; with almost every mail bringing news of a new drive for charity or social welfare—it is not too much for our people to ask that we be deliberate, careful, scientific and fair in our determination as to whether we are going to increase their state tax burden.

In summary, my budget report and recommendations to you are as follows:

1. We have at least \$367,000,000 in biennial requests to consider in distributing available revenue of \$318,000,000.

2. I urge you to use your best judgment, discretion and ability in scaling down these requests to match our income, to the end that—

3. No new taxes should be levied until a thoroughgoing study of the present tax structure is initiated and completed by the Legislature or a commission of its fostering.

I want to remind you, in closing, of two things. The first is this: Estimated available revenue for the forthcoming biennium exceeds by \$175,000,000 or 122.5 per cent that which is being spent from general revenue for the present biennium. The people of Texas may well feel that such an increase is enough over a short two-year period.

The other point is that you are the direct representatives of these people. With you, I am sworn to defend them, to protect them, to serve them well.

In the diligence, the skill and the courage with which we approach this tremendous task of making a new financial plan for Texas, there will be reflected the intelligence and the general character of our stewardship.

BEAUFORD H. JESTER,  
Governor of Texas

**SUGGESTIONS OF EXPENDITURES FROM THE GENERAL REVENUE  
FOR STATE SERVICES FOR THE REMAINDER OF THE 1947-49  
BIENNIUM AND FOR THE 1949-51 BIENNIUM SUBMITTED FOR  
THE CONSIDERATION OF THE 51ST LEGISLATURE**

Expenses of the Legislature.....	\$ 1,500,000
Board of Control recommendations for the Judiciary.....	5,158,466
Rural school aid (emergency).....	9,000,000
Board of Control recommendations for State Departments.....	34,802,675
Prison System—Capital improvements.....	4,200,000
Prison System—Emergency for remainder of current fiscal year.....	539,000
State Youth Development Council.....	350,000
Tidelands Defense Fund.....	200,000
State Archives and Records (emergency).....	70,000
Rural roads .....	20,000,000
State salary adjustments including district attorney salary increase (emergency) .....	5,000,000
Deficiency appropriations .....	177,000
General claims (estimated).....	80,000
Board of Control recommendations for eleemosynary institutions.....	61,715,546
Terrell State Hospital (emergency).....	900,000
Reserve fund for disaster relief and civil defense.....	200,000
Public schools .....	120,000,000
Junior colleges .....	2,400,000
Board of Control recommendations for higher education.....	66,627,310
Higher education increases—for additional medical education, for other services, and for new institutions and services...	10,000,000
Public Employees Retirement.....	2,000,000
Buildings—Public Safety—National Guard.....	1,500,000
Increase in contribution to Council of State Governments.....	24,000
Water conservation programming.....	1,100,000
Soil conservation .....	10,000,000
State buildings and Capital planning.....	7,000,000
Regional education .....	134,000
Texas State University for Negroes (emergency).....	400,000
School Library Division (emergency).....	2,712
Library Extension .....	400,000
Palo Duro Park Bonds.....	300,000
Court of Civil Appeals (emergency).....	3,500
National Sesquicentennial (Participation of Texas).....	50,000
Battleship Texas .....	235,000
Livestock Sanitary Commission (emergency).....	10,000
Alamo Library .....	50,000
Eleemosynary Emergency for Maintenance and Operation during remainder of current fiscal year.....	1,000,000
Miscellaneous items .....	150,000
	<b>\$367,279,209</b>

**ITEMS APPEARING IN FOREGOING SCHEDULE WHICH ARE  
NON-RECURRING IN NATURE**

Building items in 4 major budgets, submitted by Board of Control.....	\$28,000,000
Prison System .....	4,700,000
Livestock Sanitary Commission (emergency).....	10,000
Battleship Texas .....	235,000
National Sesquicentennial .....	50,000
Court of Civil Appeals (emergency).....	3,500
School Library Division (emergency).....	2,712
Texas State University for Negroes (emergency).....	400,000
State buildings and Capital planning.....	7,000,000
Soil conservation .....	10,000,000
Buildings—Public Safety—National Guard.....	1,500,000
Rural school aid (emergency).....	9,000,000
Tidelands Defense Fund.....	200,000
State Records and Archives (emergency).....	70,000

State salary adjustments (emergency).....	5,000,000
Terrell State Hospital.....	900,000
Reserve fund for disaster relief and civil defense.....	200,000
Higher education facilities.....	7,000,000
Palo Duro Park Bonds.....	300,000
Alamo Library .....	50,000
Eleemosynary emergency .....	1,000,000
Miscellaneous items .....	150,000
Water conservation planning.....	1,100,000
	<hr/>
	\$76,871,212

Austin, Texas,  
February 17, 1949.

To the Members of the 51st  
Legislature:

It is my duty to bring to your attention a serious situation threatening the Texas Highway Patrol—and, therefore, the safety of the entire State of Texas.

In my judgment, this is one of the most effective organizations of our State government, and I think you share my feeling that it must be maintained at full strength and efficiency.

The appropriation provided for the Patrol, out of the State Highway Fund, by the 50th Legislature seemed quite adequate at the time of passage of the appropriation bill.

However, due to the rapid rise in general operating costs—for equipment, material, labor and other necessary items—the Texas Highway Patrol will have exhausted the appropriation for this fiscal year by March 15, 1949.

The Patrol has purchased the uniforms, firearms, badges, automotive equipment, and other necessary items to equip the total personnel of 493 officers and men as now authorized by the Texas Legislature. Forty automobiles are now on order for the present class of recruit Highway Patrolmen training at Camp Mabry.

Since the Legislature provided funds, the cost of gasoline and oil has increased over twenty-five per cent. The cost of automobiles has increased approximately thirty-five per cent, and all other items have risen in proportion.

There was appropriated the sum of \$348,000 in general appropriation No. A-30 of which \$290,217.20 has been expended and encumbered, leaving a balance of \$57,782.80 which will be exhausted by March 15.

If the Highway Patrol is to func-

tion properly after that date, it will be necessary to supplement the regular appropriation with an emergency appropriation as follows:

Gasoline, six months at \$15,- 000 a month .....	Total \$ 90,000
Automotive repairs and parts, including tires and tubes, six months at \$8,000 a month .....	Total \$ 48,000
Miscellaneous expense, includ- ing telephone, teletype, of- fice rents and maintenance, six months at \$3,000 a month .....	Total \$ 18,000
Grand Total .....	\$156,000

This appropriation for the Texas Highway Patrol comes out of the State Highway Fund and not out of the general revenue of the State.

In view of the serious consequences which would arise if the Texas Highway Patrol found itself without funds for operation on March 15, I must submit to you at this time, under the authority of Section 5 of Article III of the Constitution of Texas, an appropriation of \$156,000 for the Texas Highway Patrol as a subject for emergency legislation.

Respectfully submitted,  
BEAUFORD H. JESTER,  
Governor of Texas

#### Senate Concurrent Resolution 15 With House Amendments

Senator Bracewell called S. C. R. No. 15 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

On motion of Senator Bracewell, the Senate concurred in the House amendments.

**Committee Substitute  
Senate Bill 121 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment.

C. S. S. B. 121, A bill to be entitled "An Act to make an appropriation of money of the General Revenue Fund of the State to supplement the regular appropriation for the State Department of Education; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Committee Substitute  
Senate Bill 121 on Third Reading**

Senator Proffer moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 121 be placed on its third reading and final passage.

The motion prevailed by the following vote.

**Yeas—24**

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Morris
Carney	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

**Absent**

Cousins	Moore
McDonald	

**Absent—Excused**

Bullock	Hazlewood
Colson	Hudson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—24**

Aikin	Corbin
Ashley	Hardeman
Bell	Harris
Bracewell	Jones
Carney	Kelley of Hidalgo

Kelly of Tarrant	Proffer
Lane	Shofner
Lock	Strauss
Martin	Taylor
Moffett	Tynan
Morris	Vick
Phillips	Weinert

**Absent**

Cousins	Moore
McDonald	

**Absent—Excused**

Bullock	Hazlewood
Colson	Hudson

**Senate Bill 62 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 62, A bill to be entitled "An Act making an appropriation to pay the principal of certain judgments obtained against The State of Texas in Cause No. 78503, styled Graham Paper Company vs. The State of Texas, and Cause No. 80034, styled Continental Gin Company et al. vs. The State of Texas, both in the 98th District Court of Travis County, Texas, according to the tenor, effect and reading of such judgments, providing that only the principal of such judgments be paid and that no interest be paid on such judgments; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 62 on Third Reading**

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 62 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Morris
Carney	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

**Absent**

Cousins                Moore  
McDonald

**Absent—Excused**

Bullock                Hazlewood  
Colson                Hudson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—23**

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Morris
Carney	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

**Absent**

Cousins                Moore  
McDonald                Tynan

**Absent—Excused**

Bullock                Hazlewood  
Colson                Hudson

**Senate Bill 138 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 138, A bill to be entitled "An Act making appropriation to pay deficiency appropriations granted by the Governor prior to January 10, 1949 and for which no appropriations have heretofore been made, and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 138 on Third Reading**

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 138 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Morris
Carney	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

**Absent**

Cousins                Moore  
McDonald

**Absent—Excused**

Bullock                Hazlewood  
Colson                Hudson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—22**

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Morris
Carney	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Vick
Lane	Weinert

**Absent**

Cousins                Moore  
Kelly of Tarrant        Tynan  
McDonald

**Absent—Excused**

Bullock                Hazlewood  
Colson                Hudson

**Senate Bill 139 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 139, A bill to be entitled "An Act appropriating monies out of the General Revenue Fund to pay Deficiency Certificates issued by the Comptroller under Articles 1035 and 1036, Code of Criminal Procedure, 1925, for the State's fiscal year end-

ing August 31, 1947 and 1948 and supplementing appropriations made for the payment of certain fees and expenses in the Judiciary for the appropriations made for the fiscal year ending August 31, 1948 and for the fiscal year ending August 31, 1949, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 139 on Third Reading

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 139 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—22

Aikin	Lock
Ashley	Martin
Bell	Moffett
Carney	Morris
Corbin	Phillips
Hardeman	Proffer
Harris	Shofner
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

#### Absent

Bracewell	Moore
Cousins	Strauss
McDonald	

#### Absent—Excused

Bullock	Hazlewood
Colson	Hudson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—22

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Morris
Carney	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

#### Absent

Cousins	Moore
Kelley of Hidalgo	Strauss
McDonald	

#### Absent—Excused

Bullock	Hazlewood
Colson	Hudson

#### Senate Bill 140 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 140, A bill to be entitled "An Act amending Senate Bill Number 391, Acts of the Fiftieth Legislature, 1947, by increasing the purposes for which money appropriated to the State Board of Registration for Professional Engineers by Item 13 of the appropriation for said board can be expended and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 140 on Third Reading

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 140 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—23

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Morris
Carney	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

#### Absent

Cousins	Moore
McDonald	Strauss

#### Absent—Excused

Bullock	Hazlewood
Colson	Hudson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—23

Aikin	Martin
Ashley	Moffett
Bell	Morris
Bracewell	Phillips
Carney	Proffer
Corbin	Shofner
Hardeman	Strauss
Harris	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

## Absent

Cousins	McDonald
Jones	Moore

## Absent—Excused

Bullock	Hazlewood
Colson	Hudson

## Senate Bill 145 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 145, A bill to be entitled "An Act amending Chapter 346, General Laws enacted by the Fiftieth Legislature, at its Regular Session in 1947 (Article 2815j-2, Vernon's Revised Civil Statutes), by adding thereto a new section to be numbered Section 3a, making an emergency appropriation for the support, maintenance, operation, and improvement of the Public Junior College which has been created and established since the biennial appropriation made by the Fiftieth Legislature in 1947; providing that said appropriation shall be governed by all the applicable provisions of the Act hereby amended; providing a saving clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 145 on Third Reading

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 145 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—23

Aikin	Martin
Ashley	Moffett
Bell	Morris
Bracewell	Phillips
Carney	Proffer
Corbin	Shofner
Hardeman	Strauss
Harris	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

## Absent

Cousins	McDonald
Kelley of Hidalgo	Moore

## Absent—Excused

Bullock	Hazlewood
Colson	Hudson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—22

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Morris
Carney	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

## Nays 1

Strauss

## Absent

Cousins	McDonald
Kelley of Hidalgo	Moore

## Absent—Excused

Bullock	Hazlewood
Colson	Hudson

## Senate Bill 165 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 165, A bill to be entitled "An Act making an appropriation from the General Fund to reimburse Ruth Sapp, Clerk of the Court of Civil Appeals, 10th Supreme Judicial Dis-

strict of Texas, for money paid to the Treasurer of the State of Texas, properly belonging to her, through error, during the years 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944 and 1945; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 165 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 165 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—21

Aikin	Moffett
Ashley	Moore
Bell	Phillips
Carney	Proffer
Corbin	Shofner
Hardeman	Strauss
Harris	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	Weinert
Martin	

#### Absent

Bracewell	Kelley of Hidalgo
Cousins	McDonald
Jones	Morris

#### Absent—Excused

Bullock	Hazlewood
Colson	Hudson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—23

Aikin	Moffett
Ashley	Moore
Bell	Morris
Carney	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	Weinert
Martin	

#### Absent

Bracewell	Kelley of Hidalgo
Cousins	McDonald

#### Absent—Excused

Bullock	Hazlewood
Colson	Hudson

#### Senate Bill 154 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 154, A bill to be entitled "An Act to appropriate money out of the State Highway Funds to pay the judgment, interest, and costs in favor of Christine Mayes Wallace and husband, Morris Wallace, in Cause No. 88216-C, styled Christine Mayes Wallace, et vir, Morris Wallace, vs. The State of Texas and the State Highway Department, in the 68th District Court of Dallas County, Texas, and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend S. B. 154 by striking out all after the word "Dallas" in line 36 and all of line 37 to the word "annum" and amend the caption to conform with the body of the bill.

The amendment was adopted.

S. B. 154 was passed to engrossment.

#### Senate Bill 154 on Third Reading

Senator Harris moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 154 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Jones	Shofner
Kelley of Hidalgo	Strauss

Taylor                      Vick  
Tynan                      Weinert

Absent

McDonald

Absent—Excused

Bullock                      Hazlewood  
Colson                      Hudson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Moore
Carney	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

Absent

McDonald                      Morris

Absent—Excused

Bullock                      Hazlewood  
Colson                      Hudson

#### House Concurrent Resolution 29

The President laid before the Senate for consideration at this time:

H. C. R. No. 29, Granting each House permission to adjourn from Thursday, February 17, 1949, until Monday, February 21, 1949.

The resolution was read and was adopted.

#### Senate Bill 141 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 141, A bill to be entitled "An Act appropriating the sum of One Hundred and Seventy-five (\$175.00) Dollars, or so much thereof as may be necessary to satisfy, according to the terms thereof, the judgment rendered against the State of Texas in favor of John V. Dowdy, in

Cause No. 700 in the Justice Court, Precinct Number One, Henderson County, Texas, said judgment being a final judgment; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 141 on Third Reading

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 141 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Ashley	Moffett
Bell	Moore
Bracewell	Morris
Carney	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

Absent

Cousins                      McDonald

Absent—Excused

Bullock                      Hazlewood  
Colson                      Hudson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Moore
Carney	Morris
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

Cousins                      Phillips  
McDonald

## Absent—Excused

Bullock	Hazlewood
Colson	Hudson

## Senate Bill 137 on Second Reading

Senator Taylor moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 137 be taken up for consideration at this time.

The motion prevailed by the following vote:

## Yeas—25

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Moore
Carney	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	

## Absent

McDonald	Weinert
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## Absent—Excused

Bullock	Hazlewood
Colson	Hudson

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 137, A bill to be entitled "An Act relating to the salaries of all State Officers except the salaries and other compensation of District Judges and except those Constitutional State Officers whose salaries are specifically fixed by the Constitution; specifically providing that the Legislature shall fix the amount of compensation to be paid clerks of the Courts of Civil Appeals, the Supreme Court, and the Court of Criminal Appeals out of the fees of office; and specifically suspending all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 137 on Third Reading

Senator Taylor moved that the constitutional rule requiring bills to be

pending and that S. B. No. 137 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—25

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Moore
Carney	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	

## Absent

McDonald	Weinert
----------	---------

## Absent—Excused

Bullock	Hazlewood
Colson	Hudson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—25

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Moore
Carney	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	

## Absent

McDonald	Weinert
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## Absent—Excused

Bullock	Hazlewood
Colson	Hudson

## Senate Bill 127 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 127, A bill to be entitled "An Act appropriating the unexpended balance out of funds appropriated for use of the Pecos River Compact Commissioner in Senate Bill 17, Acts of the Fiftieth Legislature for use of said Pecos River Compact Commissioner for the biennium ending August 31, 1949; prescribing the method whereby funds therein appropriated shall be paid out of the State Treasury; providing that the Pecos River Compact Commissioner shall receive not to exceed Ten (\$10.00) Dollars per day for each day spent in the performance of his duties, plus actual and other necessary expenses; and declaring an emergency."

The bill was read second time and was passed to engrossment.

(Senator Lane in the Chair.)

#### Senate Bill 127 on Third Reading

Senator Ashley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 127 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Moore
Carney	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	

#### Absent

McDonald	Weinert
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#### Absent—Excused

Bullock	Hazlewood
Colson	Hudson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—25

Aikin	Bell
Ashley	Bracewell

Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Jones	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Taylor
Lane	Tynan
Lock	Vick
Martin	

#### Absent

McDonald	Weinert
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#### Absent—Excused

Bullock	Hazlewood
Colson	Hudson

#### Leave of Absence Granted

Senator Strauss was granted leave of absence for the balance of the day on account of important business, on motion of Senator Shofner.

#### Senate Bill 79 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 79, A bill to be entitled "An Act making an appropriation to the Livestock Sanitary Commission for the enforcement of House Bill No. 19 of the Fiftieth Legislature, entitled, 'Livestock—Foot and Mouth Disease—Quarantine,' and declaring an emergency."

The bill was read second time.

Senator Kelly of Tarrant offered the following amendment to the bill:

Amend S. B. No. 79 by substituting the following provision in lieu of Sec. 1:

"There is hereby appropriated out of the General Fund of the Treasury of the State of Texas, not otherwise appropriated, the sum of \$25,000.00 for the purpose of carrying out the provisions of H. B. No. 19 passed by the 50th Legislature relating to the prevention of foot and mouth disease for the remainder of the fiscal year ending August 31, 1949."

HARDEMAN,  
KELLY of Tarrant.

The amendment was adopted.

The bill was passed to engrossment.

**Senate Bill 79 on Third Reading**

Senator Kelly of Tarrant moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 79 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	Moffett
Carney	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

**Absent**

McDonald	Weinert
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**Absent—Excused**

Bullock	Hudson
Colson	Strauss
Hazlewood	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—24**

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	Moffett
Carney	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

**Absent**

McDonald	Weinert
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**Absent—Excused**

Bullock	Hudson
Colson	Strauss
Hazlewood	

**Senate Bill 49 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 49, A bill to be entitled "An Act to appropriate \$70,000 to the Texas Library and Historical Commission, State Library, for the purpose of performing the duties required by Chapter 403 of the General and Special Laws of the Fiftieth Legislature, Regular Session, 1947, with respect to the Records Administration Division; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 49 on Third Reading**

Senator Ashley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 49 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	Moffett
Carney	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

**Absent**

McDonald	Weinert
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**Absent—Excused**

Bullock	Hudson
Colson	Strauss
Hazlewood	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—24**

Aikin	Bracewell
Ashley	Carney
Bell	Corbin

Cousins	Moffett
Hardeman	Moore
Harris	Morris
Jones	Phillips
Kelley of Hidalgo	Proffer
Kelly of Tarrant	Shofner
Lane	Taylor
Lock	Tynan
Martin	Vick

Absent

McDonald                  Weinert

Absent—Excused

Bullock	Hudson
Colson	Strauss
Hazlewood	

**House Concurrent Resolution 27**

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 27, Extending an invitation to Honorable Luther Harris Evans to address a Joint Session of the Legislature.

The resolution was read and was adopted.

(President in the Chair.)

**Reports of Standing Committee**

By unanimous consent, the following reports were submitted at this time:

Senator Tynan submitted the following reports:

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 67, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

TYNAN, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 106, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

TYNAN, Chairman.

Austin, Texas,  
February 17, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 176, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

TYNAN, Chairman.

**House Bills and Resolutions on First Reading**

The following bills and resolutions, received from the House today, were read severally first time and referred to the committees indicated:

H. B. No. 332, to Committee on Game and Fish.

H. B. No. 326, to Committee on Game and Fish.

H. B. No. 325, to Committee on Game and Fish.

H. B. No. 277, to Committee on Game and Fish.

H. B. No. 314, to Committee on Game and Fish.

H. B. No. 302, to Committee on Game and Fish.

H. B. No. 282, to Committee on Civil Jurisprudence.

H. B. No. 278, to Committee on Game and Fish.

H. B. No. 231, to Committee on Game and Fish.

H. C. R. No. 19, to Committee on State Affairs.

H. C. R. No. 20, to Committee on State Affairs.

H. C. R. No. 12, to Committee on State Affairs.

H. C. R. No. 14, to Committee on State Affairs.

**Bill Signed**

The President signed, in the presence of the Senate, after giving due notice thereof, the following bill:

S. B. No. 54, A bill to be entitled

"An Act validating the creation of Road District No. 4-A of Atascosa County, Texas; validating the election held on July 31, 1948, authorizing the issuance of road bonds; authorizing the issuance of road bonds of Road District No. 4-A without the necessity of compensating other road districts overlapped in part by Road District No. 4-A; and declaring an emergency."

#### Adjournment

On motion of Senator Vick, the Senate at 12:55 o'clock p.m., adjourned until 10:30 o'clock a.m., Monday, February 21, 1949.

#### Record of Votes

Senators Phillips and Corbin asked to be recorded as voting "nay" on the motion to adjourn.

**In Memory of**

**Reverend D. C. Dove**

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The President laid before the Senate, for consideration at this time, the following resolution:

(House Concurrent Resolution 25)

Whereas, God in His infinite wisdom did on the 26th day of February, 1948, call from his earthly home Reverend D. C. Dove of Dallas, Dallas County, Texas, and did leave a vacancy in the hearts of many; and

Whereas, He is survived by one son, Dr. Wendell S. Dove, Republic of Colombia, South America; one daughter, Mrs. Howard E. Reeves, Los Angeles, California; two grandchildren, Wendell, Jr., and Marilyn Dove, Los Angeles, California; and many other close relatives and friends; and

Whereas, D. C. Dove was born April 25, 1866, in Mississippi, the youngest son of Reverend Daniel Dove, Sr. While still a baby his family moved to Texas and homesteaded at Siloam, Leon County, Texas. He was always interested in the community he resided in, and actively supported the schools, churches, and everything that would better his community. He served for many years as a Texas public school teacher, two terms as a member of the Texas Legislature, 1913-1915, from Leon and Madison Counties, a member of the Food Commission during World War I, as President of Jacksonville Baptist College, as Business Manager of Texas Baptist Orphanage, as Editor of Baptist Progress, as a minister serving churches in Parker County and Assistant Pastor of First Baptist Church of Trinity Heights of Dallas; and

Whereas, He fought as vigorously for the things he believed in as he fought against those that he felt were harmful. Truly, it can be said of D. C. Dove, "he has fought a good fight, he has finished his course, he has kept the faith"; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That we express to the bereaved family and many friends our sorrow over the passing of this beloved citizen; and, be it further

Resolved, That copies of this Resolution be sent to members of the family, and that when the House and Senate adjourn today it do so in solemn tribute to the Honorable D. C. Dove.

The resolution was read and was adopted by a rising vote of the Senate.